

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF WESTWOOD MEDIA CENTER

Westwood Media Center appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Westwood Media Center, a 501(c)(3) located in Westwood, MA operated three PEG channels over two cable providers. Our programming includes important government meetings, events, lectures, and elections, educational training for teachers and students, sports and school lectures, and coverage of community events. We are the only video archive for residents, a subscription base of around 5300 households. We strongly oppose the tentative conclusion in the FNPRM that the value of cable franchise obligations, such as those that allow our programming to be viewed on the cable system, can be deducted from franchise fees. This ruling will effectively wipe out our entire operating budget leaving us unable to operate.

The Town of Westwood receives 4% of gross annual revenues from Verizon and 3% from Comcast. Allowing cable providers to arbitrarily assign a dollar value to transmission of our channels or recoup fees from existing infrastructure that was granted in a license agreement ten years ago is simply outrageous. Our annual budget is so small that these in-kind deductions will

wipe us out of business. The community of Westwood will lose its access to important meetings, lectures, and events that are not covered by other media outlets.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or the PEG provider, rather than the public. As demonstrated above, Westwood Media Center provides valuable local programming that is not otherwise available on the cable system. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated [by] the LFA and therefore should not be considered contributions to an LFA.”¹ PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public and cable subscribers. Not to mention, in Massachusetts and maybe elsewhere, the franchise fee is a line item on a subscribers bill. Therefore the cable company would be double dipping and not providing the consumer with what they are paying for in their bill statement.

The link below is to a video that illustrates just one of the many important functions we have in our community. Know Before You Go was created to inform residents of the town warrant articles that they will be voting upon during spring Town Meeting. We combined portions from

¹ FNPRM ¶ 21.

previously held government meetings to give residents a brief understanding of the issues up for vote and then follow up with the Town Administrators office before the meeting if they had further questions. <https://youtu.be/pw4s7vOYru0>

In conclusion, Westwood Media Center strongly opposes the FNPRM allowing cable companies to deduct what they determine to be in-kind contributions. It's a complete disservice to the communities we serve and would have detrimental impact on our ability to continue to offer local transparent video coverage.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mel Garfield", written in a cursive style.

Melinda Garfield
Executive Director
Westwood Media Center

11/5/18